

# Parental Leave Guidelines

*Policy Code: HR1602*

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## Purpose

These guidelines define the processes undertaken to apply for Parental Leave from the University and how this program works with the Federal Government’s Paid Parental Leave (PPL) Scheme.

## Definitions

<b>Baby Bonus:</b>	<p>The <b>Baby Bonus</b> is paid to eligible parents following the birth (including stillborn babies) or adoption of a child. It recognises the extra costs incurred at the time of a new birth or adoption.</p> <p>For further details on eligibility requirements please refer to the <b>Family Assistance Office website</b> :</p> <p><a href="http://www.familyassist.gov.au/payments/family-assistance-payments/baby-bonus/">http://www.familyassist.gov.au/payments/family-assistance-payments/baby-bonus/</a></p>
<b>Eligible Parent:</b>	<p>To be eligible for the Government's Paid Parental Leave payment, the parent must meet the following criteria as set out in the Government Paid Parental Leave Legislation:</p> <ul style="list-style-type: none"> <li>• Be an Australian resident;</li> <li>• Be the mother of a new born child or the initial primary carer of a recently adopted child;</li> <li>• Meet the PPL work test before the birth or adoption occurs; and</li> <li>• Have received an individual adjusted taxable income of \$150,000 or less in the previous financial year.</li> </ul> <p>For further information on the eligibility requirements please refer to the Family Assistance Office website:</p> <p><a href="http://www.familyassist.gov.au/payments/family-assistance-payments/paid-parental-leave-scheme/working-parents---eligibility.php">http://www.familyassist.gov.au/payments/family-assistance-payments/paid-parental-leave-scheme/working-parents---eligibility.php</a></p>
<b>Eligible Staff Members:</b>	<p>Anyone who holds a current contract of employment with the University and meets the Parental Leave criteria as set out in the relevant sections of the current <a href="#">University Collective Agreement</a> (UCA) or the Victorian TAFE Teaching Staff Multi-Business Agreement (MBA).</p>
<b>Family Assistance Office (FAO):</b>	<p>Federal Government Department responsible for processing the Government's Paid Parental Leave Scheme applications and determining if an applicant meet the criteria for receiving the Government Paid Parental Leave payment.</p>

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<b>Government Paid Parental Leave Scheme (PPL):</b>	<p>A Federally legislated scheme that provides up to 18 weeks of paid leave to an Eligible Parent at the minimum wage. Payments can begin in the first full pay period after the baby is born or adopted.</p> <p>To receive PPL a staff member must apply to the FAO payment requirements and meet eligibility criteria.</p>
<b>Keep in Touch (KIT) Provision:</b>	<p>A provision under the Government PPL Scheme that allows the Primary Carer to participate in paid work for up to <b>ten days</b> during the 18 week period of Government Paid Parental Leave.</p> <p>Using KIT days is voluntary and by agreement between the University and staff member.</p>
<b>Primary Carer:</b>	<p>A primary carer is defined as the person who physically cares for the child on a daily basis. This can be the birth mother, adoptive parent, partner of either the birth mother or adoptive parent, or another legal guardian or their partner.</p> <p>Some exemptions may apply in cases such as stillbirth.</p> <p>For adoption or surrogacy arrangements, the birth mother who is not a primary carer may also be eligible for PPL.</p>
<b>Return to work Bonus:</b>	<p>A bonus available to eligible staff members whose contract of employment falls under the terms and conditions of the current <a href="#">University Collective Agreement</a>. Staff employed under the TAFE MBA are not eligible for the Return to Work Bonus.</p>
<b>Supervisor:</b>	<p>The Vice-Chancellor or any Deputy Vice-Chancellor/Senior Deputy Vice-Chancellor, Vice-President, Dean, Deputy Dean, Director, Manager or Supervisor who has the responsibility for management of staff.</p>
<b>Paid Parental Leave Work Test:</b>	<p>To be eligible for the Government PPL, the applicant must meet the criteria of the work test. Criteria include:</p> <ul style="list-style-type: none"> <li>• Having been in paid work continuously for <b>at least ten</b> out of the last 13 months prior to the birth or adoption of the child; and</li> <li>• Have worked for at least 330 hours in that ten month period, with no more than an eight week gap between two consecutive working days; and</li> <li>• Earn less than \$150K.</li> </ul> <p>Applicants do not have to work full time to be eligible.</p> <p>Applicants may meet the Work Test if they are:</p> <ul style="list-style-type: none"> <li>• Part-time, sessional or casual or seasonal employees;</li> <li>• Independent contractors or self-employed;</li> <li>• Work in a family business or on a farm;</li> <li>• Have multiple employers; or</li> <li>• Have recently changed jobs.</li> </ul>

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<p><b>Baby Bonus:</b></p>	<p>The Baby Bonus is paid to eligible parents following the birth (including stillborn babies) or adoption of a child. It recognises the extra costs incurred at the time of a new birth or adoption.</p> <p>For further details on eligibility requirements please refer to the Family Assistance Office website :</p> <p><a href="http://www.familyassist.gov.au/payments/family-assistance-payments/baby-bonus/">http://www.familyassist.gov.au/payments/family-assistance-payments/baby-bonus/</a></p>
	<p>Applicants will need to have worked at least one hour in a day for the employment to be counted as a working day.</p> <p>The FAO will determine if an applicant has met the criteria of the Work Test.</p> <p>For further information on the Work Test, please refer to the Family Assistance Office web site:</p> <p><a href="http://www.familyassist.gov.au/payments/family-assistance-payments/paid-parental-leave-scheme/working-parents---eligibility.php#eligible">http://www.familyassist.gov.au/payments/family-assistance-payments/paid-parental-leave-scheme/working-parents---eligibility.php#eligible</a></p>

## Scope

These guidelines apply across all campuses of the University and apply to all eligible staff members (as defined).

## Actions

### University Parental Leave Applications

#### How to apply.

Eligible Staff Members should give their Supervisor at least ten weeks notice of their intention to take Parental Leave. Eligible Staff Members must provide at least four weeks notice, in writing, of the date the Parental Leave is intended to commence.

The written notice must include:

1. the date they intend to commence Parental Leave and the duration of the leave; and
2. a medical certificate (or other relevant documentation) stating the expected date of delivery or the proposed date the adoption or fostering arrangement is to commence; and
3. a completed Parental Leave Application Form, signed by their Supervisor.

The completed paperwork and all associated documentation should be provided to Human Resources no later than four weeks prior to the requested leave commencing.

Human Resources will confirm parental leave arrangements in writing with the Eligible Staff Member and provide a copy of this letter to the Supervisor.

***Eligible Staff Members and Supervisors are encouraged to seek advice and discuss Parental Leave options with Human Resources.***

### Government Paid Parental Leave Applications.

#### Who can apply?

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An Eligible Staff Member who is expecting the birth or adoption of a child on or after 1 January 2011 may apply for Government Paid Parental Leave.

## How to apply.

Applications for the Government PPL are made via the FAO. Applicants must be an Eligible Parent and meeting the Work Test before parental leave payment will be approved.

Applicants must decide if they wish to use PPL or the Baby Bonus before making an application. If the choice is to apply for PPL then the Baby Bonus will not be available. For further information, please refer to the FAO website:

[http://www.centrelink.gov.au/internet/internet.nsf/individuals/ppl\\_working\\_parents\\_qa.htm#receive](http://www.centrelink.gov.au/internet/internet.nsf/individuals/ppl_working_parents_qa.htm#receive)

Applications for PPL can be made up to three months prior to the birth or adoption of a child. Applications can also be made after the birth or adoption date. Applications for PPL should not be more than 33 weeks after the birth or adoption or the full 18 weeks of payments may not be paid.

If a claim is made in advance, payments will not commence until after a [Newborn Child Claim Form for Family Assistance](#) and a [Medicare Form](#) have been completed.

## Notification of PPL Payment.

The FAO will determine if the application meets the eligibility criteria. Successful applicants will be notified by the FAO of the number of weeks PPL they are eligible for and the commencement date. The FAO will also notify the University of these details.

In most cases, the University will make the PPL payments on behalf of the FAO. The University will provide the Eligible Staff Member with written notice advising of the date PPL payments will start and finish. Payments will not commence before written notice from the FAO has been received by the University.

## Eligible Staff Members on Fixed-Term contracts.

In most cases Eligible Staff Members on fixed-term contracts will receive PPL payment from the University. However, where the PPL period falls at the end of the Eligible Staff Member's fixed-term contract and where no new contract has been offered, the University may request the FAO to make PPL payments directly to the Eligible Staff Member to ensure the continuity of payments.

## Payment of University and Government Parental Leave

### Payment of University Parental Leave

Eligible Staff Members who have met the criteria for Government PPL have the choice of taking the Government PPL before or after any University entitlements or in conjunction with the University's Paid Parental Leave.

***NOTE: Eligible Staff Members are encouraged to seek advice from Human Resources on how they can structure their Parental Leave entitlements.***

Eligible Staff Members should indicate on the *Parental Leave Application Form* how they would like to receive their PPL and University Parental Leave payments.

The University will not make any payment of the Government PPL until confirmation that payments will commence has been received from the FAO.

Eligible Staff Members have the option of receiving their University Parental Leave payments at their full time fraction or half pay, however payment of Government PPL will only be made at the full amount and not at half pay.

## How will Parental Leave payment be received?

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All parental leave payments (including the Government PPL payments) will be made within the University's regular pay cycles. Advice of payments will be shown on a payslip.

## **Superannuation and Leave entitlements during Parental Leave periods.**

Eligible Staff Members receiving University Paid Parental Leave will accrue Annual Leave and Long Service Leave during the applicable paid parental leave period. Superannuation will also be paid during the applicable period of University Paid Parental Leave. Calculations will be based on the time fraction that the Eligible Staff Member has nominated (i.e. full or half pay).

Eligible Staff Members who receive the Return to Work Bonus will not accrue Annual Leave and Long Service Leave during the period the Return to Work Bonus is being paid. Superannuation is not payable during the Return to Work Bonus period.

Eligible Staff Members who are receiving the Government PPL will not accrue Annual Leave or Long Service Leave while in receipt of the Government payment. Superannuation is not payable on Government Paid Parental Leave.

**If an Eligible Staff Member is receiving paid parental leave from the University at the same time as the Government PPL, superannuation and leave entitlements will only accrue for the University Paid Parental Leave portion of the payment.**

## **Splitting the PPL payments.**

Eligible Staff Members may choose to take only a portion of their Government PPL entitlement. The balance of the Government PPL may be transferred to the person who will become the new primary carer of the child. The University is only responsible for payment of the PPL for our employees. If the payment is transferred then another party will make payments.

## **Returning to work and Keep in Touch Days**

### **Expected RTW Date.**

Eligible Staff Members are requested to advise of an expected return to work date when they apply for Parental Leave. Eligible Staff Members are also required to provide notice of their intention to return to work, in writing, to their Supervisor at least eight weeks prior to their expected return to work date.

Discussions should be held with the Staff Member's Supervisor and the agreed return to work arrangements must be forwarded to Human Resources no later than eight weeks prior to the proposed return to work date. Human Resources will confirm the agreed return to work arrangements in writing to both the staff member and their supervisor.

Eligible Staff Members who are in receipt of the Government PPL payments are required to notify the FAO of the date they return to work. The University is also required to notify the FAO of the return to work date.

## **Working while on Parental Leave**

Eligible Staff Members who are in receipt of any of the University's Paid Parental Leave entitlements should not undertake any work for the University during this period.

If an Eligible Staff Member is in receipt of Government PPL they will lose their entitlement to the PPL should they engage in paid work in excess of ten days during the 18 week PPL period.

Where an Eligible Staff Member is on unpaid parental leave and/or in receipt of Government Paid Parental Leave, they may be able to undertake paid work.

Where an Eligible Staff Member is on unpaid Parental Leave and undertaking work that is deemed to be part of their usual duties, a casual contract should not be used. Eligible Staff employed under the UCA have the option of

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breaking their period of unpaid Parental Leave in order to undertake a short period of paid work, returning to unpaid Parental Leave on completion.

**Supervisors and Eligible Staff Members should contact Human Resources to seek advice before any work commences.**

## **Keep in Touch (KIT) Days**

The Government PPL allows an Eligible Staff Member to participate in paid workplace activities for a maximum of ten days during the period they are receiving the Government PPL. This allows for Eligible Staff Members to participate in things such as planning days, short training courses or staff workshops etc.

Eligible Staff Members who are also in receipt of the University's Paid Parental Leave Payments in conjunction with the PPL cannot use KIT days during the period they are receiving the University's payment.

Participation in KIT days is voluntary.

Eligible Staff Members and their Supervisors are responsible for notifying Human Resources in writing of how many days/hours have been worked within five working days of each KIT day.

## **Payment for work undertaken during KIT days.**

Any work undertaken as part of the KIT days will be paid to the staff member at their usual salary.

## **Return to work Bonus.**

The Return to Work Bonus is available to Eligible Staff Members who meet the criteria as set out in the relevant sections of the current UCA and can be taken as part of Paid Parental Leave arrangements (in advance) or after the staff member returns to work at the University.

***Please note that Eligible Staff Members employed under the TAFE Teachers MBA are not eligible for the Return to Work Bonus.***

The Return to Work Bonus may be taken in conjunction with the Government PPL or after the PPL payment has ceased. Eligible Staff Members should indicate on the *Parental Leave Application Form* how they would like the Return to Work Bonus payments made.

If the Return to Work Bonus is taken in advance and a staff member does not return to work, the Return to Work Bonus must be repaid and may be deducted from any outstanding entitlements at the cessation of employment.

## **Responsibilities**

### **Staff Member**

- Eligible Staff Members are responsible for notifying their Supervisor of their intention to take their Parental Leave entitlements and completing the *Parental Leave Application Form* within the allocated timeframes.
- Eligible Staff Members are responsible for submitting their application for Government Paid Parental Leave to the FAO.
- Eligible Staff Members are responsible for informing Human Resources of each KIT day.
- Eligible Staff Members are responsible for notifying the University, in writing, of their intention to return to work within the specified timeframes.
- Eligible Staff Members are responsible for notifying the FAO should they return to work during their period of PPL.

### **Supervisor**

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- Supervisors are responsible for ensuring that Parental Leave Application Form and associated documentation are forwarded to Human Resources within the specified time frames.
- Supervisors are responsible for discussing any proposals for an Eligible Staff Member to participate in paid work while on Parental Leave with Human Resource prior to its commencement.
- Supervisors are responsible for authorising paid KIT days and informing Human Resources each time KIT time is used.
- Supervisors are responsible for ensuring Human Resources is notified of return to work arrangements.

## Human Resources

- Human Resources is responsible for paying Eligible Staff Members for University Paid Parental Leave and Government PPL.
- Human Resources is responsible for notifying the FAO when an Eligible Staff Member returns to work during the period of PPL.

## Implementation

The Parental Leave (Incorporating Government PPL) Guidelines will be implemented throughout the University via:

1. an Announcement Notice under 'the University New' on the University website and through the University Policy - 'Recently Approved Documents' webpage to alert the University-wide community of the approved Guideline; and
2. inclusion on the University's online Policy Library;
3. distribution of guidelines via email to Deans, Directors and School Business Managers.

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